

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.316 OF 2006

Ashish M. Ekbote. Petitioner
v/s.
University of Mumbai & ors. .. Respondents

Mr.Mihir Desai for petitioner.
Mr.M.D.Naik for respondents.

**CORAM : H.L. GOKHALE &
ABHAY S. OKA, JJ.**

DATED : 17th February 2006

P.C. :

1. Heard the learned Counsel for the parties.
2. The petitioner was a student of Engineering. He appeared for the final semester examination of engineering in May 2005. When the results were declared in July 2005, he was declared to be failed in one subject viz. Quantity Surveying, Estimation and Valuation. On petitioner applying, a photo copy of the answer book was given to him. He applied for re-valuation. On re-valuation, the University informed him on 24th November 2005 that there was no change in his marks.
3. The petitioner thereafter approached one Professor of Sardar Patel College of Engineering.

That Professor examined the paper on his own and gave an opinion that the petitioner should have got 16 marks more whereby he would have passed. It is on the strength of such an opinion that the present Petition is filed praying that the University be directed to re-value the answer book once again.

4. In our view, the procedure adopted and suggested by the petitioner will make a mockery of the system of examinations. The University has already done the re-valuation and thereafter informed the petitioner that there is no change in the marks that were given earlier. In fact, it was not expected of the concerned Professor to have entered into this exercise at the instance of the petitioner. On the top of it, the petitioner is asking that the University should now evaluate his answer book once again. This just cannot be done.

5. We may note that the petitioner has subsequently appeared for the examination and passed in the concerned subject. The Petition was filed principally for passing in the first attempt final examination. If the petitioner has failed, one cannot help it.

6. Petitioner is dismissed.

-3-

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)